

REMARKS

Claims 1-24 are pending in this application. Claims 5-24 have been withdrawn from consideration.

A provisional election was made with traverse to prosecute the invention of Group I, which includes claims 1-4. Applicants affirm this election. Applicants maintain that examination of claims in groups I, III and VI would not place an undue burden on the Examiner because the claims in these groups are all classified in the same class (Class 436, subclass 174). Also, claims of groups II, IV and V should be examined together because these claims are all classified in class 422, subclass 174 and, therefore, would not place an undue burden on the Examiner.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-4 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. In particular, the Office Action states that:

it is unclear as to whether Applicant is claiming a three part system (comprising the laminated film sample processing device; reaction chamber; and sample carrier) or if Applicant is claiming that the reaction chamber and sample carrier are part of the laminated film sample processing device.

(Paper No. 7, p. 4). Accordingly, applicants have amended claim 1 to clarify the claim.

Furthermore, the Office Action states that:

it is unclear what Applicant intends by "laminated film sample processing device".

(Paper No. 7, p. 4). Accordingly, applicants have amended independent claim 1 and added new claims to clarify the element. The sample processing device is depicted in the figures and described in the specification.

Rejections under 35 U.S.C. §102(b)

Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,940,250 issued to Plakas et al. on February 24, 1976 (hereinafter "Plakas"). To anticipate a claim, the reference must either expressly or inherently describe every element of the claim. MPEP §2131. Claim 1 recites the element of a sample processing device. It further recites a sample processing device including a reaction chamber having a port. The claim further recites a sample carrier mating with the reaction chamber at the first port. Also, the claim recites forming a fluidic circuit. These elements are not disclosed, taught, or suggested in Plakas. For example, in Plakas the reaction occurs between elements 14 and 15 and not in a chamber. Plakas, col. 2, lines 38-39. There is no reaction chamber in Plakas as filter 10 and film 11 contact each other. Plakas, col. 2, line 47. As a result, there is no chamber, much less a chamber with a port for mating with the film carrier as recited in the claim. Furthermore, no fluidic circuit is created. In Plakas, fluid is not free to flow. In Plakas, flow is not induced by any means as electricity would flow in a circuit. In Plakas, there is no fluidic connection or communication between structure elements as fluid in Plakas does not flow. In contrast, applicants' invention provides for selectively inducing fluid flow. For example, dependent claim 4 recites a pump. Plakas does not disclose, teach or suggest a pump or any fluid flow inducing means. Because there is at least one element of claim 1 that is not described, taught or suggested in Plakas, applicants believe that claim 1 as well as its dependent claims are in a condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **485772000500**. However,

the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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By: 

Rimas T. Lukas
Registration No. 46,451

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5905
Facsimile: (650) 494-0792

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended once) A biological sample processing system, comprising:
a [laminated film] sample processing device including a reaction chamber having a first port; and
[mated with] a biological sample carrier mated with the reaction chamber at the first port
to form a fluidic circuit.
2. (Amended once) The biological sample processing system of claim 1, wherein
[said laminated film] the sample processing device further includes an extraction chamber.
3. (Amended once) The biological sample processing system of claim 1, wherein
[said laminated film] the sample processing device further includes a dilution chamber.
4. (Amended once) The biological sample processing system of claim 1, wherein
[said laminated film] the sample processing device includes a pump.
25. (New) The biological sample processing system of claim 1, wherein the sample
processing device is a centrifuge tube.
26. (New) The biological sample processing system of claim 1, wherein the sample
processing device is a laminated assembly.
27. (New) The biological sample processing system of claim 1 wherein the sample
processing device is a laminated assembly and centrifuge tube.
28. (New) A biological sample processing system, comprising:
a sample processing device including:
a first chamber having a first port and a second port; and
a second chamber fluidly coupled to the first chamber via the second port; and

a sample carrier fluidly coupled to the first chamber at the first port.

29. (New) The biological sample processing system of claim 28, wherein the second port is a stop junction.

30. (New) The biological sample processing system of claim 28, wherein the sample processing device includes a centrifuge tube.

31. (New) A biological sample processing system, comprising:
a sample processing device including:
 a first chamber having a first port, a second port and a third port;
 a first conduit;
 a second chamber fluidly coupled to the first chamber via the second port and the first conduit; and
 a second conduit fluidly coupled to the first chamber via the third port; and
a sample carrier fluidly coupled to the first chamber at the first port.

32. (New) The biological sample processing system of claim 31, wherein the second chamber is a fluid reservoir.

33. (New) The biological sample processing system of claim 31, wherein the second chamber includes a pump.

34. (New) The biological sample processing system of claim 31, wherein the sample processing device further includes a third chamber fluidly coupled to the first chamber via the second conduit.

35. (New) The biological sample processing system of claim 31, wherein the sample processing device further includes a third conduit fluidly coupled to the third chamber.

36. (New) The biological sample processing system of claim 31, wherein the sample processing device is a laminated assembly.

37. (New) The biological sample processing system of claim 36, wherein the laminated assembly includes:

- a first layer;

- a second layer defining the second chamber, first conduit and second conduit;

- a third layer defining a fill port and stop junction holes; and

- a fourth layer defining the first chamber;

wherein the second layer is located between the first layer and third layer; the third layer being located between the second layer and third layer.